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CP215

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jacobs et al.

Serial No.: 09/975,350

Group Art Unit: 1615

Filing Date: October 11, 2001

Examiner: Theresa Frederick

For: COMPOSITIONS COMPRISING MODAFINIL COMPOUNDS

DATE OF DEPOSIT: May 22, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON  
THE DATE INDICATED ABOVE AND IS ADDRESSED TO  
THE ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231

Patricia A. Sexton  
Printed Name: PATRICIA A. SEXTON

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

Dear Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing, please find:

- ☐ A Preliminary Amendment.
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- ☐ Certified Copy of Priority Documents
- ☐ Response to Missing Parts / Incomplete Application
  - ☐ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
  - ☐ Copy of Notice to File Missing Parts of Non-Provisional Application (Part 2)
- ☐ An ☐ Executed ☐ Unexecuted Declaration or Oath and Power of Attorney.
- ☐ Power of Attorney, Revocation
  - ☐ Change of Correspondence Address
- ☐ An Associate Power of Attorney.
- ☐ Drawings(s)
  - ☐ Formal ☐ Informal
- ☐ Licensing-related Papers
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ Signed Statement attached deleting inventor(s) named in the prior application.
- ☐ Assignment Papers (*for an application*)
  - An ☐ Executed ☐ Copy of Executed Assignment of the Invention to \_\_\_\_\_
  - ☐ A Recordation Form Cover Sheet.
  - ☐ Recordation Fee - \$40.00.
- ☐ The prior application is assigned of record to
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. \_\_\_\_\_ filed \_\_\_\_\_ in \_\_\_\_\_ (country).
  - ☐ A Certified Copy of each of the above applications for which priority is claimed:
    - ☐ is enclosed.

☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.

☐ An ☐ Executed or ☐ Copy of Executed Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27

☐ is enclosed.

☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, said status is still proper and desired in present case.

☐ Diskette Containing DNA/Amino Acid Sequence Information.

☐ Statement to Support Submission of DNA/Amino Acid Sequence Information.

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Petition to Accept Photographic Drawings.

☐ Petition Fee

☐ A copy of Petition for Extension of Time as filed in the prior case.

☐ Appended Material as follows: \_\_\_\_\_.

☒ Return Receipt Postcard (should be specifically itemized).

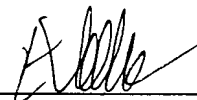
☐ Express Abandonment

☒ Other as follows: 1) Request for Corrected Filing Receipt;  
2) Copy of Filing Receipt with changes noted.  
3) Response to Request for Corrected Filing Receipt

- ☐ A Check is enclosed in the amount of \$\_\_\_\_\_.
- ☐ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 03-1195. This sheet is provided in duplicate.
- ☐ The foregoing amount due.
- ☐ Any additional filing fees required.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: May 22, 2002

  
\_\_\_\_\_  
Eric K. Voelk  
Registration No. 45,185

CEPHALON, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380  
Phone: (610) 738-6465  
Fax: (610) 738-6590



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**In Re Application of:**

**Jacobs et al.**

**Serial No.: 09/975,350**

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WASHINGTON, DC 20231.

Patricia A. Sexton  
Printed Name: Patricia A. Sexton

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington DC 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

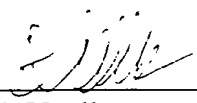
1. Attached is a copy of the Official Filing Receipt received from the PTO in the above-identified application for which issuance of a Corrected Filing Receipt is respectfully requested.
2. There is an error in respect to the following data:
  - ☒ incorrectly entered; and/or
  - ☐ omitted.

Error in	Correct Data
1. Applicant's address:	1.
2 Applicant's address:	2
3. Title: (typographical error in title)	3.
4.Filing Date:	4.
5.Serial Number:	5.
6.Foreign/PCT Application No.:	6.
7.Other:	7.
<b>Ind Claims</b>	<b>6</b> <b>(Claim numbers 1, 2, 36, 40, 41, 42)</b>

3. *(complete the following applicable item A or B)*

- A. ☒ The correction(s) is/are not due to any error by applicant and no fee is due.
- B. ☐ At least one of the above corrections is due to applicant's error and the fee therefore under 37 C.F.R. 1.19(h) of \$25.00 is paid as follows.
- ☐ A check in the amount of \$25.00 is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195.
- ☐ Please charge the surcharge to my Deposit Account No. 03-1195 in the amount of \$25.00.

Date: May 22, 2002

  
Eric K. Voelk  
Registration No. 45,185

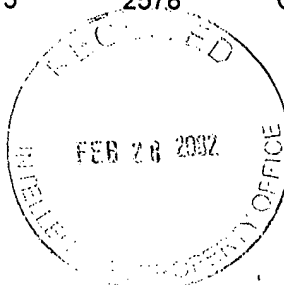
CEPHALON, Inc.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
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 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/975,350	10/11/2001	1615	2578	CP215		54	56

 Robert T. Hrubiec  
 Cephalon, Inc.  
 145 Brandywine Parkway  
 West Chester, PA 19380

 CONFIRMATION NO. 9510  
 UPDATED FILING RECEIPT


\*OC000000007516647\*

Date Mailed: 02/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**
 Martin J. Jacobs, West Chester, PA;  
 Bradley T. McIntyre, Thorndale, PA;  
 Piyush R. Patel, Wallingford, PA;
**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/239,490 10/11/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 11/14/2001

Projected Publication Date: 05/30/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

Compositions comprising modafinil compounds

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/975,350	10/11/2001	Martin J. Jacobs	CP215

CONFIRMATION NO. 9510



\*OC000000007516521\*

Robert T. Hrubiec  
Cephalon, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380

Date Mailed: 02/22/2002

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT****Claims, Fees, Inventors and Continuity**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- ☒ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It includes the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined). The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The docket number allows a maximum of 25 characters.
- ☐ Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without supplying the relationship (i.e. continuation, divisional...).
- ☐ Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**
- ☐ The person signing on behalf of the deceased inventor will be reflected on your Filing Receipt as the legal representative.
- ☐ Only one character per space is allowed. Therefore, punctuation which is usually placed above or below a letter, such as an umlaut (..), cannot be included on the Filing Receipt.

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
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Washington, DC 20231

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*A copy of this notice **MUST** be returned with the reply.*

*A- G1200*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE